

### REMARKS

The Office action mailed May 15, 2006, rejects claims 1-52. The applicant respectfully requests reconsideration in light of this reply.

#### I. Response to drawing objection

The drawings stand objected to for having reference characters not mentioned in the description. This reply addresses the issues raised by amending the specification.

#### II. Response to rejections

Claims 1-14 and 24-48 stand rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Patent No. 6,314,455 ("Cromer"). Additionally, claims 15-23 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Cromer in view of Japan Published Application No. 409258965A ("Aoki"); claims 49 and 50 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Cromer in view of U.S. Patent No. 5,319,519 ("Sheppard"); and claims 51 and 52 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Cromer in view of Aoki and further in view of Sheppard. These rejections are respectfully traversed.

Claim 1 recites, inter alia, "rebooting said computer system once after determining that said BIOS is corrupt, said rebooting occurring after said programming". The specification of the present application discloses this feature in, at least, figure 1, which shows a method of recovering from a corrupt BIOS where a computer reboots only once after programming a BIOS flash (step 20).

The cited prior art does not teach or suggest this limitation. Cromer teaches a method of recovering from a failure caused by corrupt boot code. As shown in figure 4 of Cromer, the method of Cromer requires a client computer to reboot several times after detecting an error condition. Thus, not only does Cromer not teach or suggest the above-cited limitation, but Cromer teaches away from the limitation by requiring a computer to reboot more than once. Moreover, altering Cromer to include the above cited-limitation would change the principle of operation of Cromer.

Nothing has been cited or found in Aoki or Sheppard that pertains to the above-cited limitation of claim 1. As such the cited prior art does not render claim 1 unpatentable.

Claims 10, 15, 24, 32, 40, and 48 are patentable at least because they each include a limitation comparable to the above-cited limitation of claim 1. Claims 2-9, 11-14, 16-23, 25-31, 33-39, 41-47, and 49-52 are patentable at least because they each depend from an allowable base claim.

### III. Conclusion

In view of the above amendment, the applicant believes the pending application is in condition for allowance. If there are any formal matters remaining after this reply, the applicant respectfully requests the examiner to telephone the undersigned. If there are any additional fees associated with the filing of this reply, including fees required under 35 C.F.R. §§ 1.16 or 1.17, please charge them to deposit account no. 04-1073.

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Respectfully submitted,

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